



DEPARTMENT OF
PLANNING AND ZONING

Marsha S. McLaughlin, Director

TECHNICAL STAFF REPORT

January 8, 2007

***Planning Board Meeting of January 25, 2007
County Council Hearing to be scheduled***

Case No./Petitioners: CB __-2007 – sponsored by County Executive Ken Ulman

Request: AN ACT amending the 2000 General Plan by adjusting the Planned Service Area boundary of the Master Plan for Water and Sewerage to include a religious facility located on approximately 3.28 acres with an address of 11795 Scaggsville Road, Fulton, Howard County, Maryland; and generally relating to the 2000 General Plan.

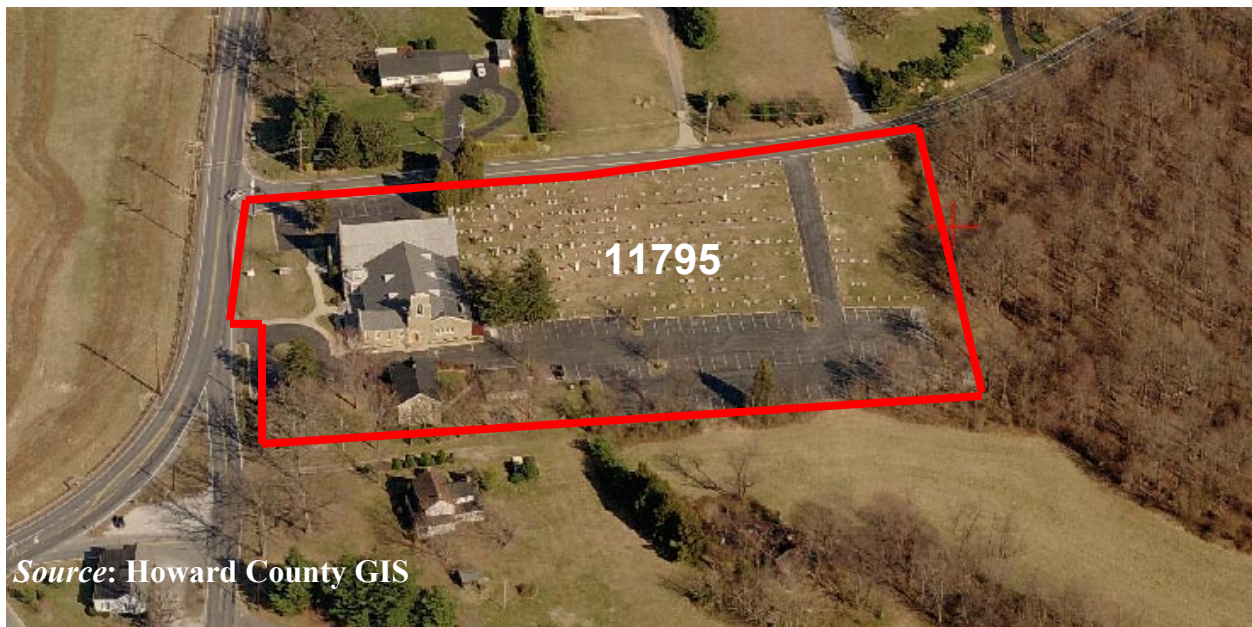
Location: Fifth Election District
South side of MD 216, west of Murphy Road
11795 Scaggsville Road, Fulton MD
Tax Map 46, Grid 2, Parcel 178

Area of Site: 3.28 acres (see third bullet under **I. Background** below)

Zoning: RR-DEO: Rural Residential – Density Sending Option

Department of Planning and Zoning Recommendation:

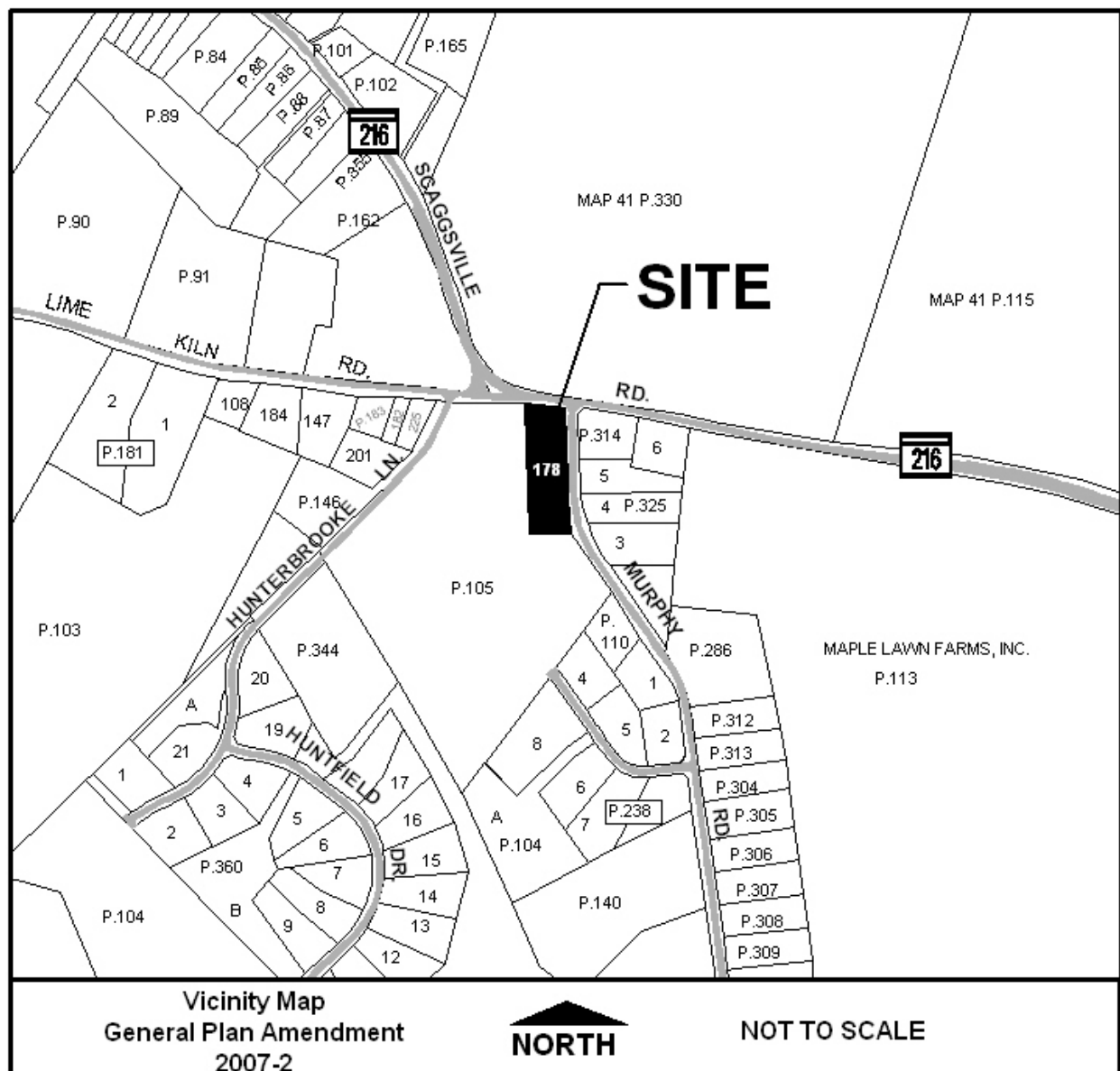
Approval



Source: Howard County GIS

I. BACKGROUND

- This application and a revision to amend *General Plan 2000* was requested by the firm of Civil Design Services on behalf of the Trustees of St Paul's Evangelical Lutheran Church.
- The site is zoned RR-DEO and is used for religious activity as an approved conditional use by Decision & Order BA 91 - 07E&V, adopted May 7, 1991, and attached for your reference.
- The applicant provided supplemental information that the church is comprised of five parcels totaling 3.4459 acres; however, Maryland Department of Assessments and Taxation reports the parcel as 3.275 acres. The applicant reports this as an error. SDP-91-133 on record with Howard County shows the conditional use applying to all church property (church, parsonage and cemetery). The acreage of record is being used for consistency with the conditional use.



II. GENERAL PLAN AMENDMENTS

- Council Bill 18-2006 and Council Bill 44-2002 amended *General Plan 2000* to allow for the inclusion of public or institutional uses, such as religious facilities, in the Planned Service Area for water and sewer when located on property adjoining the Planned Service Area:

Although this General Plan does not propose an expansion of the Planned Service Area to accommodate future residential or commercial growth, it should be anticipated that in the future there may be isolated situations where minor adjustments may be appropriate. Any requests for a General Plan amendment for expansion of the Planned Service Area should be denied unless the following minimum criteria are met: the proposed expansion of the Planned Service Area is part of a proposed zoning and is consistent with the General Plan and Smart Growth policies, or the proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, charitable or philanthropic institution, or academic school. In each case sewer and water infrastructure capacity and costs shall be analyzed to confirm the feasibility and availability of scheduled capacity. [*Amended per CB 44- 2002, Effective July 2, 2002*]

Institutional or public use expansions of the Planned Service Area boundary are limited to institutional or public properties adjoining the existing boundary of the Planned Service Area without including an intervening privately owned parcel currently not located in the Planned Service Area. [*Added per CB 18- 2006, Effective June 7, 2006*]

An amendment to the Planned Service Area for an institutional use shall only include the minimum parcel size necessary to serve the proposed use. Subdivision of the parcel consistent with the Planned Service Area boundary amendment shall occur subsequent to the Council Bill approving the amendment and prior to the inclusion of the parcel into the Metropolitan District. Any proposed institutional use for the remaining parcels not included in the Planned Service Area may be the subject of an additional amendment at a subsequent date. If an amendment to the Planned Service Area is approved for a public or institutional use, it shall be approved with conditions limiting the expansion to the particular use proposed at the time of expansion and providing a deadline by which the improvements for the proposed use must be completed and connected to the public water and/ or sewerage system. If the parcel is not used for the public or institutional use proposed at the time of passage of the Bill and is not actually constructed and connected to the public water and/ or sewerage system by the deadline specified in the Bill, the Planned Service Area expansion and the Metropolitan District inclusion, if applicable, shall be null and void and the Planned Service Area as it relates to the parcel shall revert to that in place prior to the Council Bill approving the expansion, without any additional action of the Council. [*Added per CB 44- 2002, Effective July 2, 2002*]

Note: This application's compliance with requirements above is reviewed under Section V below.

III. AGENCY COMMENTS

Howard County's Department of Public Works and Bureau of Health reviewed this application and each agency has responded as follows:

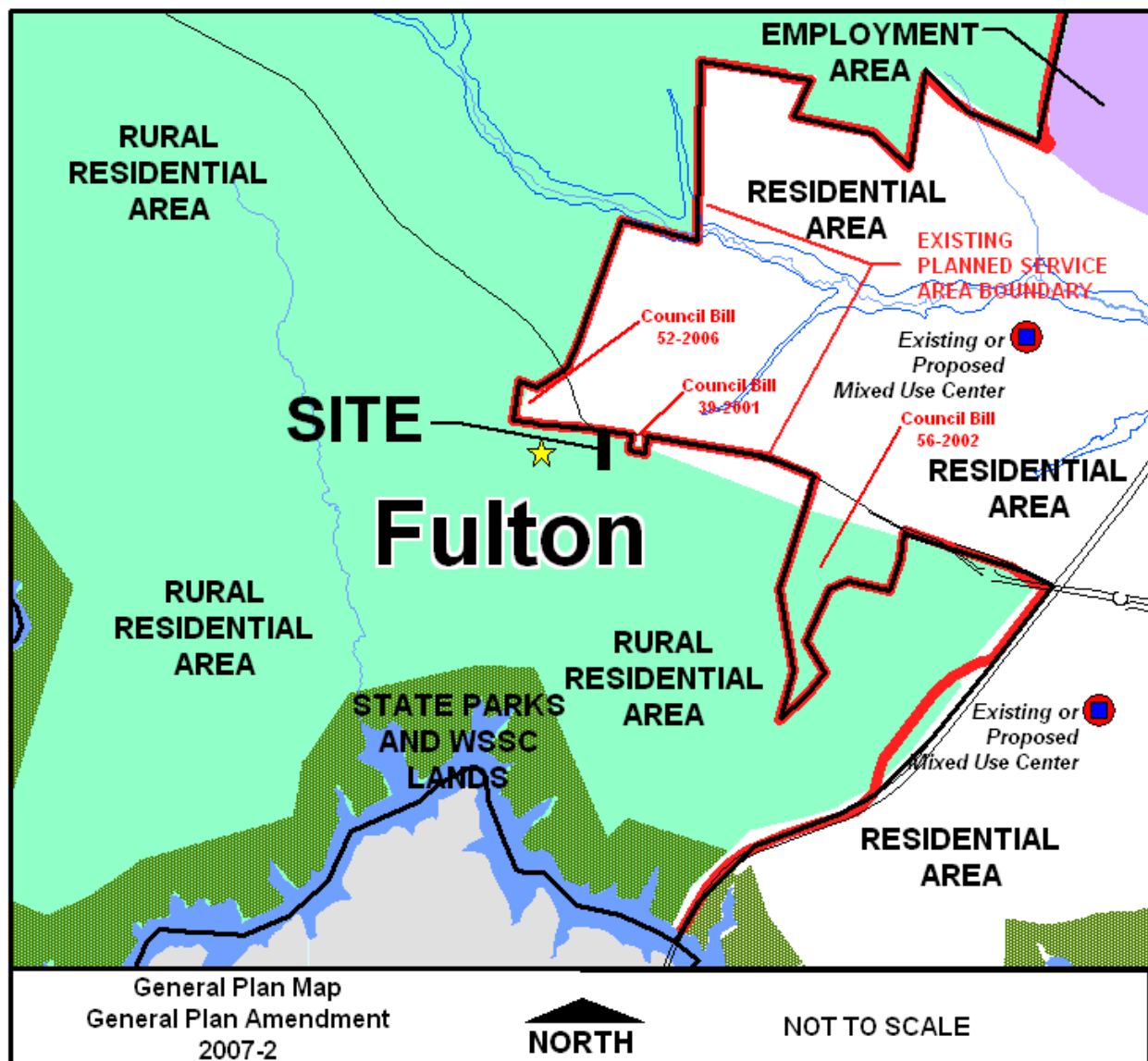
- **Department of Public Works** (excerpted from a memorandum dated November 22, 2006)
 - The church property abuts the Maryland State Highway Administration right-of-way for MD Route 216, which is adjacent to the current Planned Service Area. There is sufficient capacity in the public water and sewer system to serve the church parcel.
 - Public water and sewer service would be available to the St. Paul's Lutheran Church property through the public water and sewer mains constructed under contract 44-3934 and 20-3506. Public water service will require the installation of approximately 80 feet of water house connection across MD 216.
 - Public sewer service will require the installation of approximately 90 feet sewer house connection crossing MD Route 216. The State Highway Administration may require a jack bore of the house connections across MD 216.
- **Health Department** (excerpted from a memorandum dated December 11, 2006)
 - The Department of Health has no objection to the request. If the property is currently served by a well and septic system, the existing well will need to be properly abandoned by a licensed well driller and the septic system will need to be properly abandoned.

IV. DOCUMENTS AFFECTED

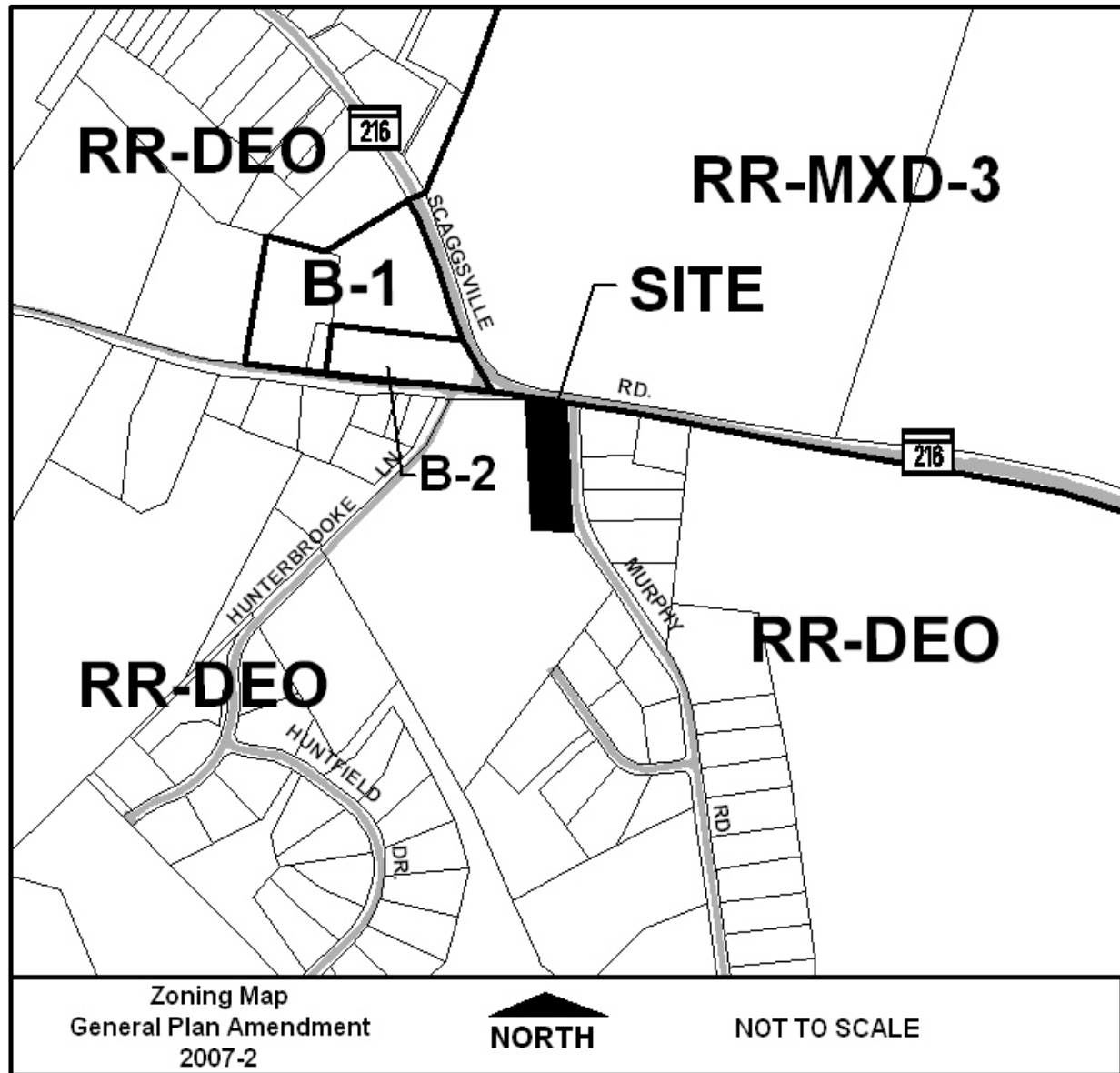
If this amendment to *General Plan 2000* were approved, General Plan Policies Map 2000/2020 (Policies Map) would be adjusted to reflect the site's inclusion in the Planned Service Area. The Master Plan for Water and Sewerage will be subsequently amended to reflect this boundary.

1. If this amendment were approved, then the 2000 General Plan Policies Map 2000/2020 would be adjusted to reflect the inclusion within the Planned Service Area boundary.
2. If this amendment were approved, then the change on the 2000 General Plan Policies Map would need to be reflected in an amendment to the Master Plan for Water and Sewerage.
3. NO change in the existing Zoning Map. The site would continue to be zoned RR-DEO.

Existing General Plan Map for vicinity



Existing Zoning Map for vicinity – NO CHANGE



V. EVALUATIONS AND CONCLUSIONS

The applicant's request for a Planned Service Area boundary amendment is consistent with the criteria for expansion of the Planned Service Area (PSA) for an institutional use, such as a religious facility, set forth in *General Plan 2000* and amended by Council Bill 44-2002.

1. The proposed expansion of the Planned Service Area is intended to provide for a public or institutional use, specifically a religious facility.
2. DPW has analyzed water infrastructure capacity and costs to confirm the feasibility and availability of necessary capacity. **The applicant must bear all costs for construction and connection to the public system in the right-of-way, and the applicant must comply with all standards for public improvements within the public rights-of-way.**
3. The proposed institutional expansion of the Planned Service Area boundary is limited to institutional properties adjoining the existing boundary of the Planned Service Area without including an intervening privately owned parcel currently not located in the Planned Service Area. **The property is directly adjoining the public right-of-way for MD 216, and public rights-of-way are considered to be non-intervening, non-private parcels.**
4. An amendment to the Planned Service Area for an institutional use shall only include the minimum parcel size necessary to serve the proposed use. Subdivision of the parcel consistent with the Planned Service Area boundary amendment shall occur subsequent to the Council Bill approving the amendment and prior to the inclusion of the parcel into the Metropolitan District. Any proposed institutional use for the remaining parcels not included in the Planned Service Area may be the subject of an additional amendment at a subsequent date. **Parcel does not contain a significant amount of additional unused land or other facilities. DPZ requires merger of various parcels that comprise the church property.**
5. If an amendment to the Planned Service Area is approved for a public or institutional use, it shall be approved with conditions limiting the expansion to the particular use proposed at the time of expansion and providing a deadline by which the improvements for the proposed use must be completed and connected to the public water and/ or sewerage system. **The proposed Council Bill requires connection to the public water and sewer within one year of adoption of the legislation.**

VI. RECOMMENDATION

The Department of Planning and Zoning recommends **APPROVAL** of the application to amend *General Plan 2000* and the General Plan Policies Map 2000/2020 to include the religious facility located on property at 11795 Scaggsville Road within the Planned Service Area boundary.

1/11/07

Date

Marsha S. McLaughlin

Marsha S. McLaughlin, Director of Planning & Zoning

The file is available for public review at the Department of Planning and Zoning, George Howard Bldg 3430 Courthouse Drive, Ellicott City Maryland from Monday through Friday, 8:00 a.m. - 5:00 p.m.